

**THE HON'BLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO.1062 OF 2002**

**DT.31-08-2005**

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Between:

M.Appa Rao, s/o Simhachalam,

Aged 31 years, Occ: Ex-Conductor,

APSRTC, R/o Gavaravaram,

Chodavaram Mandal,

Visakhapatnam District

.... Petitioner

A n d

1. Chairman, Industrial Tribunal-cum-Labour

Court, Visakhapatnam and 2 others

.... Respondents



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**ORAL ORDER:**

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The writ petition is directed against the Award of the first respondent-Tribunal, dated 28-06-2001, rejecting I.D.No.157 of 2001.

The petitioner was working as a conductor with the APSRTC and while he was conducting a bus No.AP 9Z 3598, on 29-10-1996, from Vizianagaram to Cheepurupalli, the traveling ticket inspectors intercepted the bus and made a surprise check. He was charged with having collected an amount of Rs.23/- instead of Rs.24/- for the journey from four passengers and failing to issue tickets to them and allied charges of ticketing irregularities. After a due process of enquiry, by proceedings of the Corporation, dated 27-09-1997, the petitioner was removed from service. The appeal to the Depot Manager and review to the Regional Manager proved futile. Thereupon, he sought adjudication of the validity of the order of removal from service by instituting I.D.No.157 of 2000 under Section 2A-(2) of the Industrial Disputes Act, 1947. In the I.D., he filed a memo stating that he does not dispute the validity of the domestic enquiry proceedings. The first respondent-Tribunal by the impugned Award analyzed the evidence on record in the domestic enquiry

and concluded that the statements of the passengers supported the conclusion that the petitioner was involved in ticketing irregularities. On the aspect of proportionality of the punishment of termination, the Labour Court rightly came to the conclusion that the charge of having collected the fare from the passengers and in not issuing tickets is a grave charge that justifies the extreme penalty from termination of service. Consequently, the I.D was rejected.

This Court finds no error in the application of law or exercise of discretion or balancing of the relevant facts and circumstances, as between the charges of misconduct found against the petitioner and the punishment imposed, by the Labour Court, warranting interference in this writ petition.

Writ petition is without merits and is accordingly dismissed. No costs.

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31-08-2005.

*Lrkm.*